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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,526	01/10/2002	Jean-Marc Dery	2201/50165	4761

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/869,526

Applicant(s)

DERY ET AL.

Examiner

Arezoo Sherkat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-7 are presented for examination.

Claim Objections

The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Pintsov et al., (U.S. Patent No. 5,940,513 and Pintsov hereinafter).

Regarding claim 1, Pintsov discloses a method of protecting sensitive data against use of a routine operating on said data, characterized in that it includes an operation of verifying the identity of each software task calling said routine (400), which operation is implemented by said routine (Col. 13, lines 1-35).

Regarding claim 2, Pintsov discloses a protection method characterized in that said verification operation (400) includes an operation of reading an identifier of said task (304) and an operation of comparing (305) said identifier with predetermined identifiers (Col. 13, lines 1-35).

Regarding claim 3, Pintsov discloses a protection method according to either claim 1 or claim 2, characterized in that each routine operating on said data implements said verification operation (400) (Col. 13, lines 1-35).

Regarding claim 4, Pintsov discloses a device for protecting sensitive data against use of a routine operating on said data, characterized in that it includes a verification system (104, 105, 106) adapted to verify the identity of each software task calling said routine, said verification system being implemented by said routine (Col. 9, lines 3-67 and Col. 10-11, lines 1-67 and Col. 12, lines 1-50 and Col. 13, lines 1-35).

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Regarding claim 5, Pintsov discloses a protection device according to claim 4, characterized in that said verification system (104, 105, 106) includes a reading system (104, 105, 106) for reading an identifier of said task and a comparator system (104, 105, 106) for comparing said identifier and predetermined identifiers (Col. 9, lines 3-67 and Col. 10-11, lines 1-67 and Col. 12, lines 1-50 and Col. 13, lines 1-35).

Regarding claim 6, Pintsov discloses a protection device according to either claim 4 or claim 5, characterized in that each routine operating on said data implements said verification system (104, 105, 106) (Col. 9, lines 3-67 and Col. 10-11, lines 1-67 and Col. 12, lines 1-50 and Col. 13, lines 1-35).

Regarding claim 7, Pintsov discloses a franking machine characterized in that it includes a device according to any of claims 4 to 6 (Col. 9, lines 3-67 and Col. 10-11, lines 1-67 and Col. 12, lines 1-50 and Col. 13, lines 1-35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aucsmith et al., (U.S. Patent No. 5,940,513).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is

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(703) 305-8749. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Sherkat
Arezoo Sherkat
Patent Examiner
Group 2131
Aug. 5, 2004

E. L. Moise
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PRIMARY EXAMINER
A/U 2136